

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-cv-00303-RJC-DCK**

MARC HUBBARD,

Plaintiff,

v.

WILLIAM A. HARRISON,

Defendant.

Order

THIS MATTER comes before the Court on Defendant’s Motion to Dismiss (Doc. No. 10), Plaintiff’s Motion to Strike (Doc. No. 18), Plaintiff’s Motion for Summary Judgment (Doc. No. 19), Defendant’s Motion for Extension of Time to File a Response (Doc. No. 21), and the Magistrate Judge’s Memorandum and Recommendations (“M&R”) (Doc. No. 23).


On July 5, 2022, pro se Plaintiff filed this legal malpractice action asserting diversity jurisdiction. (Doc. No. 1). Defendant moved to dismiss the Complaint arguing that it fails to allege sufficient facts establishing the Court’s personal jurisdiction over the Defendant. (Doc. Nos. 10-12). Afterwards, pro se Plaintiff filed a motion to strike Defendant’s declaration in support of his motion to dismiss and a motion for summary judgment. (Doc. Nos. 18-19). Defendant sought an extension of time to respond to the motion for summary judgment pending a ruling on his motion to dismiss. (Doc. No. 21). Soon after, the Magistrate Judge entered the M&R in which he recommended, among other things, that the Court deny Defendant’s motion to dismiss to allow the Plaintiff to correct the deficiencies in his Complaint, and direct the Plaintiff to file an Amended Complaint, or in the alternative, a Notice of Voluntary Dismissal. (Doc. No. 23). Days later, Plaintiff filed an Amended Complaint, mooting the pending motions. (Doc. No.

24).

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion to Dismiss (Doc. No. 10) is **DENIED as moot**;
2. Plaintiff's Motion to Strike (Doc. No. 18) is **DENIED as moot**;
3. Plaintiff's Motion for Summary Judgment (Doc. No. 19) is **DENIED as moot**;
4. Defendant's Motion for Extension of Time to File a Response (Doc. No. 21) is **DENIED as moot**; and
5. The Court declines to adopt the Magistrate Judge's Memorandum and Recommendations (Doc. No. 23) because the underlying motions are moot.

SO ORDERED.


Robert J. Conrad, Jr.
United States District Judge



Signed: January 11, 2023